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REMARKS

The application has been reviewed in light of the final Office Action dated January 25, 2006. Claims 1-81 were pending. By this Amendment, claim 81 has been canceled, and claims 1, 2, 23, 24, 45, 46, and 67 have been amended to include the features which were recited in now-canceled claim 81. Since the claim amendments do not introduce new subject matter or any new issues, entry of this Amendment is requested. Accordingly, claims 1-80 are presented for reconsideration, with claims 1, 2, 23, 24, 45, 46, and 67 being in independent form.

Claims 1, 23, 45, 67, 68, 71 and 72 were rejected under 35 U.S.C. §102(b) as purportedly anticipated by U.S. Patent No. 5,696,598 to Yoshida et al. (hereinafter "Yoshida '598"). Claims 2-4, 6, 24-26, 28, 46-48 and 50 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of U.S. Patent No. 6,587,219 to Saito et al. Claims 5, 27 and 49 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Saito further in view of U.S. Patent No. 6,335,966 to Toyoda (hereinafter "Toyoda '966"). Claims 7, 10, 11, 15, 16, 18, 29, 32, 33, 37, 38, 40, 51, 54, 55, 59, 60 and 62 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Saito further in view of U.S. Patent No. 5,818,609 to Yamamuro. Claims 8, 9, 19, 30, 31, 41, 52, 53 and 63 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Saito further in view of Yamamuro further in view of Toyoda '966. Claims 13, 14, 35, 36, 57 and 58 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Saito further in view of Yamamuro further in view of U.S. Patent No. 6,816,911 to Toyoda et al. (hereinafter "Toyoda '911"). Claims 17, 20, 39, 42, 61 and 64 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Saito further in view of Yamamuro further in view of U.S. Patent No. 6,493,103 to Toyoda et al. (hereinafter "Toyoda

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'103"). Claims 21, 43 and 65 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Saito further in view of Yamamuro further in view of U.S. Patent No. 5,959,741 to Yoshida et al. (hereinafter "Yoshida '741"). Claims 12, 22, 34, 44, 56 and 66 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Saito further in view of Yamamuro further in view of U.S. Patent No. 5,627,658 to Connors et al. Claim 69 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Toyoda '103. Claim 70 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of U.S. Patent No. 5,801,846 to Nobuta. Claim 73 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Yamamuro. Claims 74 and 75 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Toyoda '966. Claims 76 and 77 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Toyoda '966 further in view of Connors. Claim 78 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Toyoda '103. Claim 79 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of Yoshida '741. Claim 80 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of U.S. Patent No. 6,414,759 to Ikegami et al. Claim 81 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yoshida '598 in view of U.S. Patent No. 5,978,097 to Ueno.

This application relates to data communications (for example, facsimile communications) in which a communication terminal apparatus can use communication functions (such as capabilities for color images) of other terminals. However, if the communication terminal apparatus has the communications capability to accept the image information from the sending communications machine, the communication terminal apparatus does not transfer the image

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information to the transfer communications machine. Each of independent claims 1, 2, 23, 24, 45, 46, and 67 addresses these features, as well as additional features.

Applicant submits that the pending claims are patentable over Yoshida '598, which is the primary reference cited in the Office Action, and the other cited art, for at least the following reasons.

Yoshida '598, as understood by Applicant, is directed to a facsimile apparatus which has a sending mode and a receiving mode. In receiving mode, the facsimile apparatus of Yoshida '598 can perform transit communication wherein the facsimile apparatus receives and records a color image from a sending machine, performs a conversion of the received image to a format suitable to the transit destination machine, and then sends the converted image to the destination machine.

As acknowledged in the Office Action, Yoshida '598 does not disclose or suggest a communications terminal apparatus wherein the controlling mechanism determines whether the communication terminal apparatus has a communications capability to accept the image information from the sending communications machine, and does not transfer the image information to the transfer communications machine if the communication terminal apparatus has the communications capability to accept the image information, as provided by the claimed invention of amended claim 1.

Ueno, as understood by Applicant, is directed to a facsimile apparatus which is provided with a sensor for detecting the presence or absence of printing paper. If printing paper is absent, when image data is received, the image data is not supplied to the printer but is instead stored in an image memory. Alternatively, the received image data can be forwarded to another fax machine and printed by the other fax machine.

Ueno relates to checking the printing capability and not the communication capability of

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the facsimile apparatus. The facsimile apparatus of Ueno has the communications capability to accept the image data from the sending fax machine, but will forward the received image data to the other fax machine, if the facsimile apparatus does not have printing paper.

Ueno simply does not disclose or suggest a communications terminal apparatus wherein the controlling mechanism determines whether the communication terminal apparatus has a communications capability to accept the image information from the sending communications machine, and does not transfer the image information to the transfer communications machine if the communication terminal apparatus has the communications capability to accept the image information, as provided by the claimed invention of amended claim 1.

Saito, as understood by Applicant, is directed to an Internet facsimile apparatus which notifies a fax number of the final destination to a server, acquires from the server an e-mail address of a relay apparatus, and transmits to the relay apparatus the image information along with a relay transfer instruction. The Office Action cites Saito as purportedly proposing a mechanism for notifying of an enhancement communications capability.

However, Saito, like Ueno and Yoshida '598, does not disclose or suggest a communications terminal apparatus wherein the controlling mechanism determines whether the communication terminal apparatus has a communications capability to accept the image information from the sending communications machine, and does not transfer the image information to the transfer communications machine if the communication terminal apparatus has the communications capability to accept the image information, as provided by the claimed invention of amended claim 1.

Toyoda '966, as understood by Applicant, is directed to an Internet facsimile apparatus which inquires a server the capability of a destination, adapts an image to be suitable to the

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capability of the destination, and then transmits the image to the destination.

Yamamuro, as understood by Applicant, is directed to a facsimile apparatus including communicating means for transferring image data from a host computer, and means for stopping the transfer if image data stored in a memory of the facsimile apparatus has reached a predetermined volume.

Toyoda '911, as understood by Applicant, is directed to a relay apparatus which relays image information from a terminal on a computer network to a facsimile transmission destination on a telephone network, and has a control section for detecting whether the facsimile transmission destination is busy. Toyoda '911 was cited in the Office Action as proposing a mechanism for performing a retry call after detecting that the transmission destination is busy.

Toyoda '103, as understood by Applicant, is directed to image data communication between an electronic mail apparatus and a facsimile apparatus.

Yoshida '741, as understood by Applicant, is directed to a facsimile apparatus wherein received image data is processed according to a received sub-address signal.

Connors, as understood by Applicant, is directed to a networked multifunction device, including a facsimile function, which maintains a queue of jobs to be performed. When the multifunction device receives a job requiring a facsimile function, the device checks its queue for facsimile jobs. If no facsimile jobs are on its queue, the multifunction device transmits the job in accordance with job priority control arrangement of the device. If prior facsimile jobs are on its queue, the multifunction device looks for another multifunction device which is available to perform the facsimile job. Connors is concerned with the availability, as opposed to capability, of the multifunction device and the other multifunction device to transmit the facsimile job.

Nobuta, as understood by Applicant, is directed to image communication including both

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color images and monochrome images.

Ikegami, as understood by Applicant, is directed to an apparatus capable of handling both color images and monochrome images and having selectable modes for handling a received document having one or more color pages, including (1) a first mode in which all pages of the received document are output only, (2) a second mode in which only color pages are output, (3) a third mode in which all pages are transferred to an external apparatus, and (4) a fourth mode in which only color pages are transferred to the external apparatus.

However, Applicant does not find disclosure or suggestion in the cited art, however, of a communications terminal wherein the controlling mechanism determines whether the communication terminal apparatus has a communications capability to accept the image information from the sending communications machine, and does not transfer the image information to the transfer communications machine if the communication terminal apparatus has the communications capability to accept the image information, as provided by the claimed invention of amended claim 1 of the present application.

Independent claims 2, 23, 24, 45, 46, and 67 are patentably distinct from the cited art for at least similar reasons.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1, 2, 23, 24, 45, 46, and 67, and the claims depending therefrom, are patentable over the cited art, and that this application is in condition for allowance.


If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

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If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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